



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

HDP/SB/21 based on PTO/SB/21 (08-00)

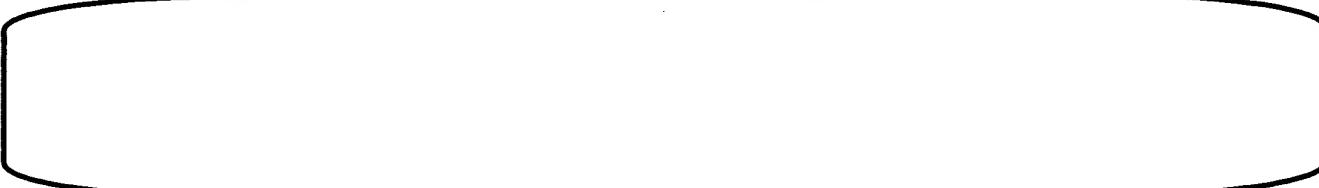
Application Number	09/667,709
Filing Date	September 22, 2000
Inventor(s)	Philip William GILLIS
Group Art Unit	2121
Examiner Name	Sunray Chang
Attorney Docket Number	29250-000431/US

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Letter to the Official Draftsperson and _____ Sheets of Formal Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims) <input checked="" type="checkbox"/> Appeal Communication to Group (Notice of Appeal, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
Mail Stop Brief-Patent		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Gary D. Yacura	Reg. No. 35,416
Signature			
Date	September 2, 2005		



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



EE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 950

Complete If Known	
Application Number	09/667,709
Filing Date	September 22, 2000
First Named Inventor	Philip William GILLIS
Examiner Name	Sunray Chang
Art Unit	2121
Attorney Docket No.	29250-000431/US

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

 Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	450
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$950)

4. SEARCH/EXAMINATION FEES

1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	
SUBTOTAL (4)				SUBTOTAL (4)	(\$0)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY					
Name (Print/Type)		Registration No. (Attorney/Agent)	35,416	Telephone	7103-668-8000
Signature		45,274	Date	September 2, 2005	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellants: Philip William GILLIS
Application No.: 09/667,709
Art Unit: 2121
Filed: September 22, 2000
Examiner: Sunray Chang
For: DATA DRIVEN METHOD SIMULATOR AND SIMULATION
PROCESS
Atty Dkt No.: 29250-000431/US
Conf. No.: 9953

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22313
Mail Stop Appeal Brief – Patent

September 2, 2005

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

Appellants submit herewith their Brief on Appeal as required by 37 C.F.R. § 41.37.

09/06/2005 SZEWDIE1 00000018 09667709

01 FC:1402
02 FC:1252

500.00 OP
450.00 OP

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

TABLE OF CONTENTS

	<u>Page</u>
BRIEF ON BEHALF OF APPELLANTS.....	3
I. REAL PARTY IN INTEREST	3
II. RELATED APPEALS AND INTERFERENCES.....	3
III. STATUS OF CLAIMS	3
IV. STATUS OF AMENDMENTS	3
V. SUMMARY OF CLAIMED SUBJECT MATTER	3
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	10
VII. ARGUMENTS.....	10
A. Claims 1-30 are not anticipated by Child et al. (U.S. Patent 5,121,475, hereinafter "Child") under 35 U.S.C. § 102(b).	10
i. Claims 1, 11 and 21	10
VIII. CONCLUSION.....	14
IX. CLAIMS APPENDIX.....	15

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

BRIEF ON BEHALF OF APPELLANTS

In support of the Notice of Appeal filed on May 6, 2005, appealing the Examiner's final rejection mailed on April 13, 2005 of each of pending claims 1-30 of the present application which appear in the attached claims appendix, Appellants hereby provide the following remarks.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Lucent Technologies.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1-30 are pending in the current application, with claims 1, 11 and 21 being written in independent form.

Claims 1-30 remain finally rejected under 35 U.S.C. § 102(b) as being anticipated by Child, U.S. Patent No. 5,121,475.

Claims 1-30 are being appealed.

IV. STATUS OF AMENDMENTS

No Amendments have been entered since the Examiner's Office Action of April 13, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is directed to a simulation process, a simulator and an article of manufacture for use in conjunction with a computer. Large and complex computer systems typically include a variety of systems working together.¹ In order to timely complete the overall system (e.g., a telecommunications system), subsystems included in the overall

¹ See page 1, lines 10-15 of the Specification.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

system may be developed in parallel.² Testing may be necessary where activities performed by other subsystems in the overall system are simulated by simulators because the other subsystems are not yet complete.³ However, simulators are typically very expensive and require a long period to produce, which may thereby reduce their availability during development.⁴

The example embodiments of the present invention address the above-described problem by providing a simulation process, simulator and article of manufacture with a reduced complexity for performing simulations. In an example embodiment of the present invention, a plurality of simulated responses may be stored in association with a single simulated message.⁵ In an example, less than all of the plurality of simulated responses may be output in response to the received simulated message.⁶ Thus, an effectiveness of simulation may be increased because simulated responses may vary irrespective of whether incoming messages are identical, which may more accurately model the behavior of completed systems.⁷

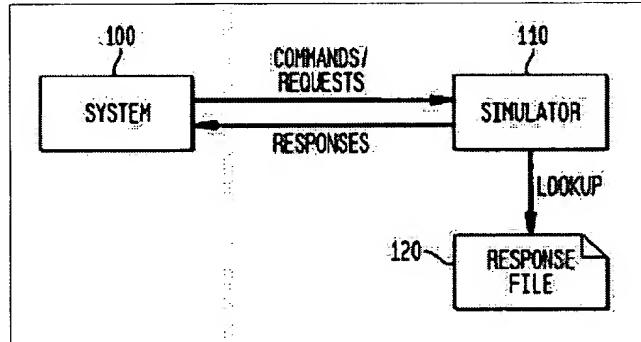


FIGURE 2 of the present invention

Figure 2 (reproduced above) illustrates a simulator 110 interacting with a first system 100 according to an example embodiment of the present invention.⁸ In an example, the simulator 110 may be used to aid in the development of the first system 100.⁹ The simulator

² See page 1, lines 14-17 of the Specification.

³ See page 1, lines 21-26 of the Specification.

⁴ See page 1, lines 27-33 of the Specification.

⁵ See page 3, lines 27-29 of the Specification.

⁶ See page 3, lines 27-29 of the Specification.

⁷ See page 3, line 29 – page 4, line 2 of the Specification.

⁸ See page 4, lines 3-4 of the Specification.

⁹ See page 4, lines 4-5 of the Specification.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

110 may access messages and responses stored in a response file 120.¹⁰ The response file 120 may be generated in one or more of a variety of ways and/or in accordance with one or more of a variety of formats.¹¹

By creating a response file 120, the user can simulate different responses in response to the same message.¹² Since the response file 120 is capable of providing different responses based on the same message, complex programming logic for simulating different responses may not be required.¹³

The simulator 110 may operate irrespective of message format because responses stored in the response file 120 may use a message marker, an end of message marker and an end of response marker to correctly identify messages and responses.¹⁴

Figure 3A illustrates an example of the hardware and software which may be included in the simulator 110 of Figure 2. The simulator 110 may be housed within a computer (e.g., a personal computer), and the computer may include standard communication hardware 220 (e.g., an interface input device, input device, display CPU memory elements, etc.) and may interact with the system 100.¹⁵ The communication hardware 220 may interface with a memory 230 within the simulator 110.¹⁶ The memory 230 may include communication software element 240 which may enable the simulator 110 to communicate with other systems (e.g., system 100) and a simulator program 250 which allows a computer (e.g., a personal computer) to operate as the simulator 110.¹⁷ The methodology of the simulator program 250 will be described hereafter with respect to Figure 3B (reproduced below).

¹⁰ See page 4, lines 13-17 of the Specification.

¹¹ See page 4, lines 17-19 of the Specification.

¹² See page 4, lines 20-21 of the Specification.

¹³ See page 4, lines 24-28 of the Specification.

¹⁴ See page 4, lines 29-34 of the Specification.

¹⁵ See page 5, lines 7-15 of the Specification.

¹⁶ See page 5, lines 16-17 of the Specification.

¹⁷ See page 5, lines 16-20 of the Specification.

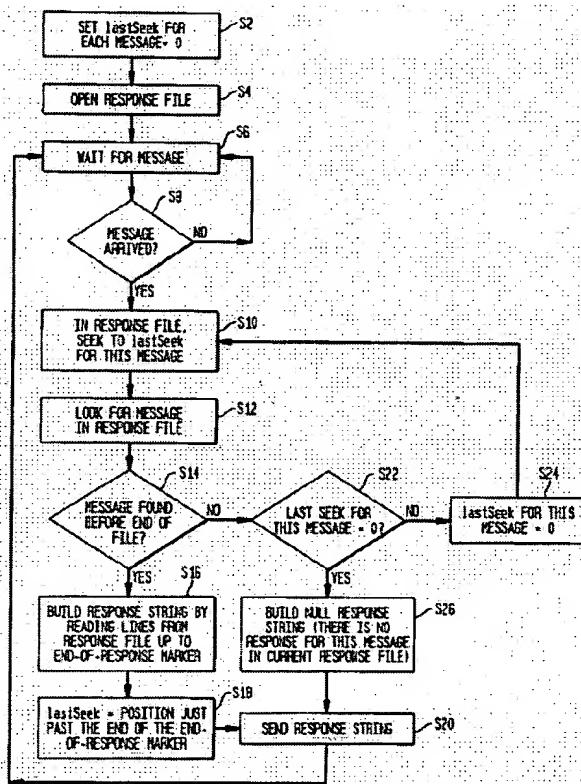


FIGURE 3B of the present invention

Fig. 3b illustrates the methodology of a program 250 that the simulator 110 according to an example embodiment of the present application may execute. The simulator program 250 allows the simulation to interact with the communication software 240 and communication hardware 220 so that the computer operates as the simulator 110.¹⁸ Further it interacts with response files 120 stored in a database 260, for example.¹⁹ The response files 120 will be discussed in more detail hereafter, but basically include text files including message/response pairs and message/response markers.²⁰ A message appears on one line, followed by its response, which may span multiple lines and which is typically terminated by a specified end-of-response marker.²¹ When a message is received by the simulator 110, it looks up the message in response file 120 and outputs its associated response.²² If more than one associated response appears in the response file 120, successively received identical

¹⁸ See page 6, lines 28-30 of the Specification.

¹⁹ See page 6, lines 30-31 of the Specification.

²⁰ See page 6, lines 31-33 of the Specification.

²¹ See page 6, line 33-page 7, line 1 of the Specification.

²² See page 7, lines 1-2 of the Specification.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

messages will illicit successive associated responses.²³ This allows the simulator 110 to respond with different responses to the same messages, to provide a much improved simulation over simple static responses.²⁴ An example of this process where the response file 120 is represented as a text file will now be given.

Figure 4A illustrates another example embodiment of the present invention where computer elements of the system 100 may function as the simulator 100.²⁵ Figure 4B illustrates another example embodiment of the present invention where the simulated program 250 and/or response file 120 are housed within a single article of manufacture 300.²⁶ For example, the article of manufacture 300 may include any type of storage element and may be used in conjunction with the system 100 or other system.²⁷ The article of manufacture may include, for example, a floppy disk, zip drive, memory chip, compact disk, optical disk, magneto-optical disk, etc.²⁸ The article of manufacture 300 may be used in conjunction with, for example, the example embodiments illustrated in Figures 3A and 4A.²⁹ The article of manufacture 300 may include code segments which, when executed, perform the function of the simulator 110.³⁰

Figure 5 illustrates another example embodiment of the present invention where a plurality of response files are stored in a data base 260.³¹ Figure 5 further illustrates a "select" function where one of the plurality of response files may be selected for use by the simulator 110 such that a single simulator may load different response files to simulate different behaviors.³²

Figure 6 illustrates a screen shot of an example of an options screen 300 for setting parameters associated with the simulator 110.³³ The user may use the options screen 300 to customize the simulator 110 to achieve desired criteria.³⁴ For example, in Figure 6, a

²³ See page 7, lines 2-4 of the Specification.

²⁴ See page 7, lines 8-10 of the Specification.

²⁵ See page 8, lines 13-24 of the Specification.

²⁶ See page 8, lines 25-27 of the Specification.

²⁷ See page 8, lines 27-29 of the Specification.

²⁸ See page 8, lines 29-30 of the Specification.

²⁹ See page 9, lines 11-13 of the Specification.

³⁰ See page 8, line 25-page 9, line 30 of the Specification.

³¹ See page 10, lines 10-11 of the Specification.

³² See page 10, lines 10-14 of the Specification.

³³ See page 10, lines 26-27 of the Specification.

³⁴ See page 10, lines 27-30 of the Specification.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

message marker 310 is designated as being a “<” which serves to designate a message stored in association with a response file 120.³⁵ The end message marker 330 is designated as a “;”.³⁶

responses.txt	
< m1;	This is the only response to m1. ;
< m2;	This is the 1 st response to m2. ;
< m2;	This is the 2 nd response to m2. ;
< m2;	This is the 3 rd response to m2. This has more than one line. ;
Timer 25000	This is an Autonomous message sent after 25,000 milliseconds (i.e., 25 seconds) ;
Timer 10000 R	This is an Autonomous message that is sent every 10,000 milliseconds (i.e., every 10 seconds) ;

TABLE 1 of the present invention

Table 1 (reproduced above) is an example of a response file. The response file associates responses with messages with the message marker 310 (e.g., “<”) and further includes an end of response marker (e.g., “;”) for separating the associated responses. Table 1 illustrates a single response stored in association with a message “m1”, three responses stored in association with a message “m2” and two responses stored in association with timing parameters.³⁶

Figure 7 illustrates a screen shot 400 of an example simulator 110 in a “listening state” which may occur before a message is received.³⁷

³⁵ See page 10, line 32-page 11, line 1 of the Specification.

³⁶ See Table 1 on page 12 of the Specification.

³⁷ See page 14, lines 11-25 of the Specification.

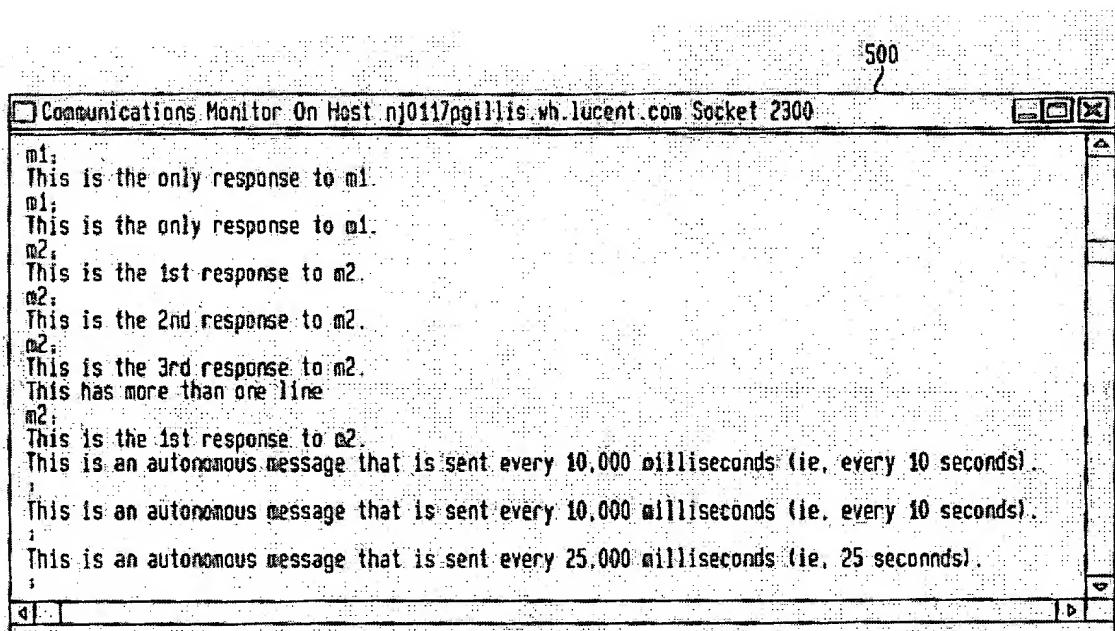


FIGURE 8 of the present invention

Figure 8 (reproduced above) of the present invention illustrates an example embodiment of a monitor 500 displaying messages sent to and received from the simulator 110 based on the response file illustrated above in Table 1.³⁸ Since the response file of Table 1 has only one stored response associated with the message m1, the same response is always output in response to a receipt of the message m1; namely, as shown above in Figure 8, “[t]his is the only response to m1”.³⁹ In contrast, the response file of Table 1 includes three responses associated with the message m2.⁴⁰ Referring to Figure 8, a first message m2 is received which triggers the first stored response to m2, a second message m2 as received triggers a second response to the second message m2, a third message m2 is received which triggers a third response to the message m2, and a fourth message is received, which again triggers the first response to m2 since only three responses are stored in association with the message m2.⁴¹ Thus, the at least two responses to the message m2 are sequentially output in

³⁸ See page 14, lines 26-27 of the Specification.

³⁹ See page 14, lines 27-34 of the Specification.

⁴⁰ See Table 1 on page 12 of the Specification.

⁴¹ See page 14, line 35-page 15, line 11 of the Specification.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

response to sequential receipt of the message m2. Other responses illustrated in Figure 8 are based on timing parameters, and not received messages.⁴²

As shown above, a response file (e.g., response file 120) may be accessed via a memory (e.g., the memory 230 of Figure 3A) in accordance with a simulator program (e.g., simulator program 250 of Figure 3A) within the memory. Messages received from a system (e.g., system 100) for which responses are simulated may trigger associated responses stored in the response file. If more than one response is stored in association with a message, the responses are sequentially output to sequential receipt of the message such that responses to the same message need not be identical. Alternatively, the simulator program may be executed by a computer with code readable segments for performing the simulation.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants seeks the Board's review of the rejection of claims 1-30 under 35 U.S.C. § 102 (b) as being anticipated by Child.

VII. ARGUMENTS

A. Claims 1-30 are not anticipated by Child et al. (U.S. Patent 5,121,475, hereinafter “Child”) under 35 U.S.C. § 102(b).

As claims 1, 11 and 21 are allowable for features which are present in each claim, the arguments hereafter are directed to each of claims 1, 11 and 21, with claims 2-10, 12-20 and 22-30, dependent upon independent claims 1, 11 and 21, respectively, rising and falling together.

i. Claims 1, 11 and 21

Child does not teach or suggest one or more of an “end of response marker”, and/or “at least one response associated with at least one message”, and/or “at least two responses being stored in association with a message”, and/or with the at least two responses being “sequentially output in response to sequential receipt of the message” as recited in each of independent claims 1, 11 and 21.

⁴² See page 15, lines 12-29 of the Specification.

CHILD NOT DIRECTED TO SIMULATION

Child is directed to dynamically generating user friendly display screens in response to reported errors.⁴³ For example, if a million users report a million of the same type of error to a Microsoft server, it is inefficient to have an operator respond to each error report individually. Thus, if a reported error matches a stored error in a message lookup table, a stored response dynamically altered with data (e.g., data associated with the type of error reported) is generated.⁴⁴ In this manner, a user may receive an automated error message and may associate the automated error message with a cause of the error based on the data included with the error message.⁴⁵ Child is not directed to a simulation process as claimed; rather, Child discloses an automated generation of responses to user error messages to reduce customer service delays and costs.

END-OF-RESPONSE MARKER ABSENT IN CHILD

Child does not teach or suggest the end-of-response marker recited in each of claims 1, 11 and 21. Yet, the Examiner alleges that the “end of response marker” as recited in each of independent claims 1, 11 and 21 reads on, and is analogous to, the length entry (e.g., a length parameter) disclosed by Child.⁴⁶ Appellants respectfully disagree. Child does disclose that “[e]ach of the data field entries, as shown in Figure 5, may include an offset entry, a length entry, and a type entry”.⁴⁷ However, a length parameter does not necessarily indicate the end of a response. To determine the end of a response with a length parameter, an operator would require additional information (e.g., a starting position of the response, the rate of transfer, an accurate timing mechanism, etc.).

The Examiner further relies on a Microsoft computer dictionary published in 1997 with reference to a definition for “message” which reads as “a message can obtain one or more blocks of text as well as beginning and ending characters”, in order to preclude evidentiary support for Child’s alleged teaching of an end of response marker.⁴⁸ This makes no sense as directed to the claimed feature. The Examiner appears to be making an ambiguously stated inherency argument. However, this inherency argument is improper because the definition reads “a message can obtain...” (emphasis added) and inherency

⁴³ See column 1, lines 11-15 of Child.

⁴⁴ See column 1, lines 58-63 of Child.

⁴⁵ See column 1, lines 46-50 of the Specification.

⁴⁶ See page 4 of the Office Action mailed on April 13, 2005.

⁴⁷ See column 4, lines 11-13 of Child.

⁴⁸ See pages 3-4 of the Office Action mailed on April 13, 2005.

requires features which must be present. Since Child has not disclosed an “end of response marker”, Appellants respectfully submit that the Examiner’s use of this definition is both inappropriate and insufficient to link an “end of response marker” to a “length parameter”. Thus, Child cannot disclose or suggest an “end of response marker” as recited in each of the independent claims 1, 11 and 21.

CHILD DOES NOT ASSOCIATE RESPONSE WITH MESSAGE

Child does not teach or suggest “at least one response associated with each message”, as recited in claims 1, 11 and 21. The Examiner alleges that the “at least one response associated with at least one message” as recited in independent claim 1 and similarly recited in independent claims 11 and 21 is described or shown as the type and subtype illustrated in Figure 3 of Child.⁴⁹ However, Child states that “[t]he type entry of each of the data fields is an indication of whether the data is in hexadecimal or ASCII form”.⁵⁰ This type therefore has nothing to do with an associated response to a message. Appellants respectfully submit that a data format indicator is therefore not “at least one response associated with each message” as recited in independent claims 1, 11 and 21.

CHILD DOES NOT STORE 2+ RESPONSES IN ASSOCIATION WITH A MESSAGE

The Examiner further alleges that “at least two responses being stored in association with a message”, as recited in independent claims 1, 11 and 21, is taught in Child as the data 1, data 2, and data 3 illustrated in Figure 3.⁵¹ However, data 1, data 2, and data 3 are merely parameters associated with a given entry in the lookup table.⁵² Child states that “[t]he lookup table may include a type, subtype, search 1, search 2, search 3, message number, data 1, data 2 and data 3 field entries”.⁵³ Further, Child states that “[i]f a match is found, a message request is generated using data from the control block if data 1, data 2 or data 3 were specified in the message lookup table”.⁵⁴ In other words, if the field parameters data 1-3 exist in the message look-up table, the data 1-3 are included within a single message/response.

Thus, data 1-3 are not “at least two responses” as recited in independent claims 1, 11 and 21. Rather, data 1-3 are simply field parameters which may or may not become a portion

⁴⁹ See page 4 of the Office Action mailed on April 13, 2005.

⁵⁰ See column 4, lines 13-15 of Child.

⁵¹ See page 5 of the Office Action mailed on April 13, 2005.

⁵² See column 3, lines 64 – column 4; line 6, column 7, lines 37-40 and column 7, lines 58-59 of Child.

⁵³ See column 3, lines 64-67 of Child.

⁵⁴ See column 4, lines 37-40 of Child.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

of a single message. Appellants respectfully submit that Child cannot disclose or suggest “at least two responses being stored in association with a message” as recited in independent claims 1, 11 and 21.

NO SEQUENTIAL OUTPUT OF AT LEAST TWO MESSAGES IN RESPONSE TO MESSAGE RECEIPT

TAUGHT IN CHILD

The Examiner further alleges that a sequential output of data 1, data 2 and data 3 exists in a message/error log queue 42.⁵⁵ Appellants respectfully submit that the Examiner is mischaracterizing the function of the message/error log queue 42 and submit that no teaching of sequentially outputting of data is performed in the message/error log queue 42. The message/error log queue 42 includes error log requests, message logs and/or display requests generated by components of the communication software system.⁵⁶ The error log queue 42 does not store the field parameter data 1-3.⁵⁷ The field parameters data 1-3 are stored in a message lookup table and are not part of the generated request.⁵⁸ Further, as discussed above, the data 1-3 may only be combined into a single message.⁵⁹

Thus, data 1-3 cannot be sequentially output because the data 1-3 may only exist in a single message, which is output at a given time. As such, Child cannot disclose or suggest at least two responses being “sequentially output in response to sequential receipt of the message” as recited in independent claims 1, 11 and 21.

In view of the above arguments, Appellants respectfully submit that Child cannot disclose or suggest at least one, or any; of the above-noted claimed features of independent claims 1, 11 and 21.

As such, claims 2-10, 12-20 and 22-30, dependent upon independent claims 1, 11 and 21, respectively, are likewise allowable over Child at least for the reasons given above with respect to independent claims 1, 11 and 21.

⁵⁵ See page 5 of the Office Action mailed on April 13, 2005.

⁵⁶ See column 4, lines 16-20 of Child.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See column 4, lines 37-40 of Child.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

VIII. CONCLUSION

Appellants respectfully request the Board to reverse the Examiner's anticipation and/or obviousness rejection of claims 1-30.

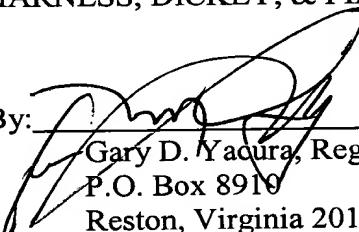
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450.00 extension fee herewith.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By:



45,274

Gary D. Yacura, Reg. No. 35,416
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/MJL/DAP/cdw

Attachment: IX. Claims Appendix

IX. CLAIMS APPENDIX

1. A simulation process, comprising:

receiving a message from a system;
comparing the received message to information stored in a response file used to simulate system response, the response file including at least one message, a message marker associated with each message, at least one response associated with each message, and an end-of-response marker associated with each response; and

simulating a response to the system message by outputting a response stored in association with a stored message matching the received message, upon the received message matching a message stored in the response file, wherein upon at least two responses being stored in association with a message, the at least two responses are sequentially output in response to sequential receipt of the message.

2. The simulation process of claim 1, wherein the simulation process occurs within the system.

3. The simulation process of claim 1, wherein the simulation process occurs within a device separate from, but operatively connected to the system.

4. The simulation process of claim 1, wherein the response file includes at least one autonomous response, wherein the autonomous response is output a predetermined time after simulation begins, irrespective of a received message.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

5. The simulation process of claim 1, wherein the response file includes at least one autonomous response, wherein the autonomous response is periodically output irrespective of a received message.
6. The simulation process of claim 1, wherein the response file includes at least two different messages, each associated with at least one response.
7. The simulation process of claim 1, further comprising:
storing a record of a received message, wherein upon a message being received a second time, either a second response stored in association with the received message is output, or the first response is again output if no second response is stored in association with the received message.
8. The simulation process of claim 7, wherein sequential responses stored in the response file in association with a common message are sequentially output upon successive receipt of the common message.
9. The simulation process of claim 1, wherein sequential responses stored in the response file in association with a common message are sequentially output upon successive receipt of the common message.
10. The simulation process of claim 1, wherein the response file is created using a log file of the system.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

11. A simulator, comprising:

a memory, adapted to store a response file, the response file being used to simulate system response and including at least one message, a message marker associated with each message, at least one response associated with each message, and

an end-of-response marker associated with each response;

a comparator, adapted to compare a message received from a system to information stored in the response file to determine whether or not the received message matches a message stored in the response file; and

an output device adapted to simulate a response to the system message, upon determining that a received message matches a message stored in the response file, by outputting a response stored in association with the matching stored message,

wherein upon at least two responses being stored in association with a message, the at least two responses are sequentially output in response to sequential receipt of the message.

12. The simulator of claim 11, wherein the simulator is located within the system.

13. The simulator of claim 11, wherein the simulator is separate from but operatively connected to the system.

14. The simulator of claim 11, wherein the response file, stored in the memory, includes at least one autonomous response, wherein the autonomous response is output a predetermined time after simulation begins, irrespective of a received message.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

15. The simulator of claim 11, wherein the response file, stored in the memory, includes at least one autonomous response which is periodically output, irrespective of a received message.
16. The simulator of claim 11, wherein the response file, stored in the memory, includes at least two different messages, each associated with at least one response.
17. The simulator of claim 11, wherein the memory further stores a record of a received message, wherein upon a message being received a second time, either a second response stored in association with the received message is output, or the first response is again output if no second response is stored in association with the received message.
18. The simulator of claim 17, wherein sequential responses stored in the response file in association with a common message are sequentially output upon successive receipt of the common message, to simulate a response.
19. The simulator of claim 11, wherein sequential responses stored in the response file in association with a common message are sequentially output upon successive receipt of the common message, to simulate a response.
20. The simulator of claim 11, wherein the response file is created using a log file of the system.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

21. An article of manufacture for use in conjunction with a computer, comprising:

· a first computer readable code segment for causing a computer to compare a message received from a system to information stored in a response file used to simulate system response, the response file including at least one message, a message marker associated with each message, at least one response associated with each message, and an end-of-response marker associated with each response; and

· a second computer readable code segment for causing a computer to simulate a response to the system message by outputting a response stored in association with a stored message matching the received message, upon the received message matching a message stored in the response file, wherein upon at least two responses being stored in association with a message, the at least two responses are sequentially output in response to sequential receipt of the message.

· 22. The article of manufacture of claim 21, wherein the article of manufacture is for use in conjunction with a computer of the system.

· 23. The article of manufacture of claim 21, wherein the article of manufacture is for use in conjunction with a computer separate from, but operatively connected to the system.

· 24. The article of manufacture of claim 21, wherein the response file includes at least one autonomous response, wherein the second computer readable code segment causes the computer to output the autonomous response a predetermined time after simulation begins, irrespective of a received message.

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37
U.S. Application No. 09/667,709

25. The article of manufacture of claim 21, wherein the response file includes at least one autonomous response, wherein the second computer readable code segment causes the computer to output the autonomous response periodically, irrespective of the received message.

26. The article of manufacture of claim 21, wherein the response file includes at least two different messages, each associated with at least one response.

27. The article of manufacture of claim 21, further comprising:
a third computer readable code segment for causing the computer to store a record of a received message, wherein upon a message being received a second time, either a second response stored in association with the received message is output, or the first response is again output if no second response is stored in association with the received message.

28. The article of manufacture of claim 27 wherein sequential responses stored in the response file in association with a common message are sequentially output upon successive receipt of the common message.

29. The article of manufacture of claim 21 wherein sequential responses stored in the response file in association with a common message are sequentially output upon successive receipt of the common message.

30. The article of manufacture of claim 21 wherein the response file is created using a log file of the system.